

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #12	CCRB Case #: 201809869	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/23/2018 7:45 PM	Location of Incident: Lincoln Street and 111th Avenue	Precinct: 106	18 Mo. SOL 5/23/2020	EO SOL 1/7/2021	
Date/Time CV Reported Tue, 11/27/2018 9:45 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 11/27/2018 9:45 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Rivera	15436	952168	106 PCT
2. POM Vincent Siraco	25311	951267	106 PCT
3. LT Frank Dipreta	00000	917548	106 PCT
4. POM Dean Rivera	04610	955380	106 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Vladimir Alonzo	27966	957329	106 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Vincent Siraco	Abuse: Police Officer Vincent Siraco searched the vehicle in which § 87(2)(b) was an occupant.	
B.LT Frank Dipreta	Abuse: Lieutenant Frank Dipreta searched the vehicle in which § 87(2)(b) was an occupant.	
C.POM Daniel Rivera	Abuse: Police Officer Daniel Rivera threatened § 87(2)(b) with the use of force.	
D.POM Dean Rivera	Abuse: Police Officer Dean Rivera threatened § 87(2)(b) with the use of force.	
E.POM Daniel Rivera	Abuse: Police Officer Daniel Rivera made a sexually suggestive remark to § 87(2)(b)	

Case Summary

On November 27, 2018, § 87(2)(b) filed this complaint on the CCRB website.

On November 23, 2018, at approximately 7:45 p.m., in the vicinity of Lincoln Street and 111th Avenue in Queens, § 87(2)(b) ran from a vehicle he owned to another vehicle he had just purchased, which he had left with its engine running. Lt. Frank Dipreta and PO Vincent Siraco of the 106th Precinct stopped § 87(2)(b). PO Daniel Rivera, PO Dean Rivera, and PO Vladimir Alonzo, all from the 106th Precinct, subsequently arrived at the location. § 87(2)(b) exited his vehicle. PO Siraco searched § 87(2)(b)'s vehicle (**Allegation A -Abuse of Authority: Vehicle search, § 87(2)(g)**) and Lt. Dipreta allegedly searched it (**Allegation B -Abuse of Authority: Vehicle search, § 87(2)(g)**).

Officers arrested § 87(2)(b) lodged him in an NYPD vehicle, removed him from it, and questioned him about the location of one of his belongings. As they did so, PO Daniel Rivera and PO Dean Rivera allegedly asked § 87(2)(b) “What if we start beating you up?” (**Allegation C - Abuse of Authority: Threat of force (verbal), § 87(2)(g)**) (**Allegation D -Abuse of Authority: Threat of force (verbal), § 87(2)(g)**). After being unable to locate the item for which officers were searching, PO Dean Rivera frisked § 87(2)(b) in what § 87(2)(b) thought to be a sexually motivated manner, and as he did this, PO Daniel Rivera allegedly said, “Stick your finger in his ass” (**Allegation E -Abuse of Authority: Sexual Misconduct (Sexual Harassment, Verbal), § 87(2)(g)**).

As a result of this incident, § 87(2)(b) was charged with § 87(2)(b).

§ 87(2)(b) (Board Review 01).

§ 87(2)(g), § 87(2)(b)

No video footage was recovered in this case. The Body-Worn Camera (BWC) Deployment Roster from December 20, 2018 (Board Review 12) indicates that the 106th Precinct was not assigned BWCs at the time of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Vincent Siraco searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Lieutenant Frank Dipreta searched the vehicle in which § 87(2)(b) was an occupant.

In his testimony to the CCRB, § 87(2)(b) (Board Review 02) stated that on November 23, 2018, at approximately 7:45 p.m., in the vicinity of Lincoln Street and 111th Avenue in Queens, he left a nearby parked vehicle that he owned and ran towards another parked vehicle that he had just purchased. As he moved between vehicles, § 87(2)(b) had left this vehicle unattended and with its engine running, a violation for which he was later charged. § 87(2)(b) entered the vehicle's front driver seat, and as soon as he did so, PO Siraco and Lt. Dipreta approached the vehicle and spoke with him, requesting documents from him and noting his possession of a shield displaying the word “Corrections” on it. § 87(2)(b) upon PO Siraco's request, exited his vehicle. Prior to officers handcuffing § 87(2)(b) both PO Siraco and Lt. Dipreta searched different areas of his vehicle, including its doors, front seats, and back seats. § 87(2)(b) witnessed the aspects of

these searches in “glimpses.”

PO Siraco testified to the CCRB (Board Review 03) that after seeing § 87(2)(b) “sprinting” one and a half blocks to and entering a vehicle whose engine he thought to be running, he stopped § 87(2)(b) and requested documents related to the vehicle. As he spoke with § 87(2)(b) he saw the Department of Correction (DOC) shield he possessed in his wallet, and he thought that his possession of a possibly forged shield was indicative of § 87(2)(b)s possibly using the shield to facilitate the commission of violent crimes. PO Siraco requested that § 87(2)(b) exit the vehicle, which he did. PO Siraco could not recall seeing anything on § 87(2)(b)s person or in his vehicle that suggested to him that § 87(2)(b) might be armed. As § 87(2)(b) stood outside his vehicle, PO Siraco searched the following areas of it: the underside of the front driver seat, the center console, and the front driver door interior panel. PO Siraco searched these areas “for his safety” in that he wanted to ensure that if § 87(2)(b) who was not handcuffed at the time, returned to his vehicle, he would not secure a weapon from these “lungeable, grabbable” areas of the vehicle’s interior. After this, PO Siraco contacted PO Daniel Rivera, PO Dean Rivera, and PO Alonzo, who went to the location and started taking investigative steps, including contact DOC Operations, to determine whether the shield was legitimate.

Lt. Dipreta testified to the CCRB (Board Review 04) that PO Siraco searched § 87(2)(b)s vehicle, that he did not himself do so, and that this occurred after the shield was found to be forged and § 87(2)(b) was arrested. Lt. Dipreta thought that PO Siraco searched the vehicle as a continuation of searching for evidence related to this or other crimes. PO Alonzo testified to the CCRB (Board Review 05) that he did not see Lt. Dipreta search § 87(2)(b)s vehicle, and PO Siraco, PO Daniel Rivera (Board Review 06), and PO Dean Rivera (Board Review 07) all testified to the CCRB that they did not recall seeing him do so.

While acting on reasonable suspicion of criminal activity, an officer may conduct searches only to the extent that is actually necessary to protect himself from harm. An officer may not extend a search to the passenger compartment of a suspect’s vehicle solely on the theory that if the suspect is not placed under arrest, he will be permitted to reenter his vehicle and will then have access to any weapons inside. People v. Torres, 74 N.Y.2d 224 (1989) (Board Review 08).

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Allegation (C) Abuse of Authority: Police Officer Daniel Rivera threatened § 87(2)(b) with the use of force.

Allegation (D) Abuse of Authority: Police Officer Dean Rivera threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that PO Dean Rivera informed him that due to the officers’ inability to determine the origin of the shield he possessed, they would transport him to the 106th Precinct stationhouse. After officers took custody of the shield, PO Dean Rivera, PO Daniel Rivera, and PO

Alonzo asked § 87(2)(b) where the shield had gone, and he denied knowing its whereabouts. Officers searched their vehicles and ultimately recovered the shield. During the process of searching, PO Daniel Rivera and PO Dean Rivera asked where the shield was and asked § 87(2)(b) “What if we start beating you up?” multiple times.

All five officers acknowledged that after they determined that § 87(2)(b) would be arrested, they handcuffed him, lodged him in an NYPD vehicle, and placed the shield inside the same vehicle. At a later time, the officers became unable to find the shield. The officers looked for the shield, and an officer ultimately recovered it from underneath the rear of one of the vehicle’s seats, next to where the officers lodged § 87(2)(b). During this process, officers removed § 87(2)(b) from the vehicle in which they had previously lodged him. PO Daniel Rivera did not recall whether any officer spoke with § 87(2)(b) about the shield’s location. PO Daniel Rivera and PO Dean Rivera both denied making any statement to § 87(2)(b) to the effect of, “What if we start beating you up?” and PO Alonzo, PO Siraco, and Lt. Dipreta denied hearing any officer make such a statement.

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Allegation (E) Abuse of Authority: Police Officer Daniel Rivera made a sexually suggestive remark to § 87(2)(b)

§ 87(2)(b) stated that after he was handcuffed, lodged in an NYPD vehicle, removed from the vehicle, and frisked by PO Dean Daniel, PO Daniel Rivera said, “Stick your finger in his ass,” and no officer took such an action. § 87(2)(g)

PO Daniel Rivera denied making such a statement, and the remaining four officers involved in this incident all denied hearing any officer make such a statement. PO Daniel Rivera did not recall whether any discussion occurred about the possibility that the shield was concealed on any part of § 87(2)(b)’s person, including his waist or groin areas. PO Alonzo and PO Dean Rivera did not hear any officer reference the concerned part of § 87(2)(b)’s body in any manner, and PO Alonzo denied that officers discussed the manner in which he should be frisked or searched.

§ 87(2)(g)
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Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one previous CCRB complaint and was named as a victim in one allegation (Board Review 09):
 - § 87(2)(b)
- PO Siraco has been a member-of-service for eight years and has been a subject in four CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)

- Lt. Dipreta has been a member-of-service for 23 years and has been a subject in three CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
- PO Daniel Rivera has been a member-of-service for eight years, and this is the first CCRB complaint to which he has been a subject.
- PO Dean Rivera has been a member-of-service for six years, and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On January 9, 2020, a Notice of Claim inquiry was sent to the New York City Office of the Comptroller, and the results will be added to the case file upon receipt (Board Review 10).
- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date